

HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.19625 of 2007

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Date: September 24, 2007

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Between:

1. G.Gundapaneni Akash Commission Merchant,
represented by it prop: G.Koteshwar Rao and
9 others. ...Petitioners

And

1. The Agricultural Market Committee,
Khammam District, rep. by its
Secretary Khammam and another. ...Respondents

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ORDER:

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Heard Sri G.Rana Pratap, counsel representing the writ petitioners, Sri V.V.N.Narayana Rao, counsel representing the first respondent and the learned Government Pleader for Agriculture representing the second respondent.

2. The writ petition is filed for a writ of *Mandamus* declaring action of the respondents in not issuing commission agent licences in favour of the petitioners to carry on business in Agricultural Market Yard at Khammam, as illegal, arbitrary and contrary to the provisions of Act No.16 of 1966 and consequently direct the respondents to issue commission agent licences in favour of the petitioners and to pass such other suitable orders.

3. It is stated that the petitioners has been carrying on business in Khammam for the last several years and they had submitted application before the first respondent on 10.9.2006 to issue commission agent licence for the year 2006-2007. The first respondent received the application, but did not dispose of the same within the time prescribed in the provisions of the Act No.16 of 1966 and Rules made thereunder. It is also stated that the Government of

Andhra Pradesh so far not issued any G.O. or notification regulating or prohibiting commission agents from operating in the agricultural market yard and that the respondents are bound to issue licences in the absence of such notification. It is also stated that issue of licenses in favour of commission agents on the basis of number of licenses operating in the market yard cannot be decided. In fact, the second respondent having found that there are more number of commission agents, requested the first respondent to reject the applications. The first respondent being the competent authority for issue of licences, it is required to consider the applications within the time framed in the provisions of Act 16 of 1966. The second respondent, in the absence of notification issued by the Government, had no authority to regulate issue of licences. It is also stated that in the similar circumstances this Court in W.P.No.164 of 2007 passed orders dated 22.01.2007 with a direction to consider the applications submitted by the petitioners therein in accordance with Section

7 (2) of the Act and take necessary steps. In such circumstances, the petitioners approached this court praying for appropriate reliefs, which had been specified supra.

4. Learned counsel placed strong reliance on the decision of this Court made in W.P.No.7552 of 2007, which reads as hereunder.

“The A.P. (Agricultural Produce and Livestock) Markets Act, 1966 (for short ‘the Act’) prescribes the procedure for grant and renewal of commission agent licences. The first respondent is the licensing Authority for the area of its operation. If the petitioner has fulfilled the qualifications and requirements, for grant of commission agent licence, the first respondent cannot withhold the same. On the other hand, if the application submitted by the petitioner suffers from any defects, or if there exists any reasons, which disable the petitioner from being granted licence, the first respondent is under obligation to communicate such reasons or grounds. He cannot keep the application pending indefinitely.

For the foregoing reasons, the writ petition is disposed of, directing the first respondent to consider the application submitted by the petitioner in accordance

with Section 7 (2) of the Act, and take necessary steps within four weeks (4) from the date of receipt of a copy of this order. There shall be no order as to costs.”

5. It is brought to the notice of this Court that in the present writ petition also the facts are similar and in view of the same the writ petition is disposed of directing the respondents to consider the application submitted by the petitioners in accordance with Section 7 (2) of the Act and take necessary steps within six weeks from the date of receipt of a copy of this order. No costs.

(P.S.NARAYANA, J.)

Date: September 24, 2007.

Note:

Issue CC by four days.

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BSB